

**IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT
OF WEST VIRGINIA 2400 ROBERT BLD. U.S. COURTHOUSE W.V.**

FILED
NOV 29 2004

TERESA L. DEPPNER, CLERK
U.S. District & Bankruptcy Courts
Southern District of West Virginia

CIVIL ACTION

5:04-1260

Mr. Michael Troy Foreman
Plaintiff

Vs.

Federal Correctional Institution,
Beckley, Warden Joyce K. Conley
Doctor Ashok v. Bhalodi,
Dr. McLain D.O, Clinical Director
S. Rose, J. Koby, PA-C S. Taylor, PA-C
M.Owens, Clinical Nurse N. Rettberg
D. O. Staff Physician, J. Thompson, A.
Blankenship, K. Kaiser, J. Kirkland RN/
AHSA, J. Griffith, Contract Med. Assistant
Beckley Appalachain, Regional Hospital
Beckley West VA., Et Al Defendant

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Southern District of West Virginia

**CIVIL ACTION
JURY DEMANDED**

1.) This is a civil complaint, alleging Medical Malpractice, Medical Negligence claims of negligence and reckless indifference, were negligent in rendering treatment to Michael Troy Foreman when he under went surgery, who now suffers from permanent disabilities, including damage to his left Groin and may not be able to have Children, this Cruel & unusual punishment deliberately indifferent to his health condition, occurred on the date of January 7, 2002 at the Federal Correctional Institution Beckley, West Virginia, State 25301 unlawful Restraint, civil rights violation, pursuant to Federal Tort Claims Act ("FTCA "). Deprivation among violations and depriving plaintiff of his Constitutional rights guaranteed under the civil rights act of Federal Tort Claims FTCA.

JURISDICTION

2.) This court has jurisdiction pursuant to Federal Tort Claims Act ("FTCA "). and considering the constitutional rights violation transpired in the Federal Correctional Institution Beckley, West Virginia, State where plaintiff was medical negligence and reckless indifference.

PARTIES

3.) Plaintiff: Michael Troy Foreman 3400 Concord Road York Pa. 17402 York County Prison

Defendant: of West Virginia Federal Correctional institution, Beckley West Virginia.,
BECKLEY APPLACHAIN REGIONAL HOSPITAL, BECKLEY, WEST VIRGINIA.
Warden Joyce K. Conley, Doctor Mclain D.O, Clinical Director S. Rose, S Taylor , M. Owen
Clinical Nurse, N. Rethberg D.O Staff Physician, A. Blankenship, NP, J. Thomas, RTR, K. Kiser,
PA-C, J. Ziolkowski, RPH, J. Kirkland, RN/ AHSA, J. Griffith, Contract Medical Assistant Et Al.

LESS STRINGENT STANDARDS

4.) The Appellant/Petitioner is a pro-se litigant and is entitled to have his petition for civil complaint, alleging Medical Malpractice, Medical Negligence claims of negligence and reckless indifference, were negligent in rendering treatment to Michael Foreman, pursuant to Federal Tort Claims Act ("FTCA "). and asserted claims construed liberally because pro-se litigant are held to less stringent standards than attorneys drafting such. See. Richardson v. U.S. 193 F. 3d 545, 548 (D.C. Cir 1990). See also Hanes v. Kerner, 30 L Ed. 2d 652, 655 (1972). ("We hold less stringent standards than formal pleadings drafted by lawyers").

STATEMENT OF THE CLAIMS

5.) Plaintiff Michael Troy Foreman a [34 years old male who was born in Jamaica on November 25, 1970] he enter the United States on or about September 1, 1971, with his mother as a Legal Permanent Resident. On December 10, 1996 Plaintiff Michael Foreman was arrested and beaten by police officer from the 49th Precinct police station in the Bronx New York City. Officer Herbert, Sergeant Joe Doe, and officer Joe doe et. al, all the arresting officers of the 49th Precinct was involved in the beaten. The result of the beaten plaintiff recieved by the hands of the officers of the 49th precinct, was when officer Herbert grabbed the plaintiff by the neck, and said you motherfucking nigga, you want to fuck our women, and sell drugs to our peoples, he then started to kick the plaintiff in his groin, then Sergeant Joe doe kicked the plaintiff in his stomach after the plaintiff fell to the ground officer Herbert, Sergeant Joe doe, and officer Joe doe et, al, was kicking the plaintiff in his groin, stomach, head and back, as from the beaten the following, damages to the left groin resulted in a left varicocele. After the plaintiff was beaten by the police officers, he was then charged on drug offenses by the 49th precinct police officers.

6). On December 16, 1996 the plaintiff was going to court for the offenses that he was beaten down for, by the 49th precinct police officers, the plaintiff then threaten to filed an 1983 civil action law suit against the 49th precinct police officers and the police department, as a result of the civil action, the 49th precinct police officers threaten the plaintiff to drop the civil action against them, the police officers from the 49th precinct threaten the plaintiff Michael Foreman, if he didn't drop the law suit against them, he would recieve 30 years in prison. Though the plaintiff choose not to drop the law suit against the police officers, as a result of that, the 49th precinct police officers contacted with the DEA, and on December 16, 1996 they turned over the case to the Federal government. While the plaintiff was going to court on the federal offense, he was schedule for trial on February 4, 1997, the plaintiff then went to trial, as a result he was bribed in to taking a plea bargain, for 240 Months imprisonment, which was taken back by the plaintiff.

7). The plaintiff was then schedule for a second trial date, which was on or about February 4, 1998, officer Herbert, officer Joe doe and Sergeant Joe doe from the 49th precinct police station, visited the plaintiff at the Federal Courthouse, as a result of the visit, the plaintiff was intimidate, he was then threaten by the 49th precinct police officers to drop the law suit, officers Herbert, officer Joe doe and Sergeant Joe doe, all of the 49 precinct police station Bronx New York City, they said to the plaintiff, if you don't drop the law suit against us we given you 30 years in prison. The officer said to the plaintiff, even though you are indicted with the federal government we got the power to keep you in prison, the plaintiff then plead with the fear of being in prison the rest of his life, as a resulted of intimidation and threats by the police officers, the plaintiff Michael Foreman then withdraw the civil action against the police officers, as a result of a plea bargain, the officers negotiate a plea agreement with the plaintiff for 90 Months imprisonment, the plaintiff then signed the plea agreement. On February 4, 1998, the plaintiff then went to court for sentencing in front of Judge Harold Baer Jr., while the sentencing procedure took place, the Government forced the plaintiff to stated on record that he was beaten by the 49th precinct police officer, in the scope of law, its a violation of the plaintiff amendment constitutional rights. The plaintiff was then sentenced to 90 Months imprisonment, of Federal offense and sent to the Federal Correctional Institution, Beckley West Virginia.

8). On January 7, 2002 plaintiff Michael Foreman was sent on a outside Medical trip, which resulted in a operation on the plaintiff left groin for a Varcoccele. That procedure was done by Dr. Ashok v. Bhalodi, of 407 Carriage Drive Beckley, West Virginia 25801, Telephone (304) 252-7180. The operation took place at Applachain, Regional Hospital, Beckley, West Virginia. After the operation was over, on that same date January 7, 2002, the plaintiff return back to the Federal Correctional Institution Beckley. On the 10th of January 2002 the plaintiff went to his first sick call, he then complained to Dr. McLain D.O. clinical director FCI/FPC Beckley, Beaver West Virginia, that his left groin was swelling and giving him Excruciating pain (See sick call slip attach). Plaintiff Michael Foreman then went to his second sick call January 15, 2002, which was, his second of twenty two sick call, the plaintiff again complain to Doctor McLain D.O., Clinical Director for the Federal Correctional Institution and FCI/FPC Beckley, Beaver West Virginia, that his left groin is getting worst, the plaintiff complain to Dr. Maclain that his groin was swelling and giving him Excruciating pain (See sick call slip attach).

9). Plaintiff Michael Foreman, he then went to sick call on April 24, 2002, attention was given to the plaintiff by J. Thompson RTR FCI/FPC (See sick call slip attach) on September 19, 2002 he went to sick call, attention was given to the plaintiff by J. Thompson RTR FCI/FPC Beckley (See sick call slip attach) on October 8, 2002 he went to sick call, attention was given to the plaintiff by A. Blankenship NP FCI/FPC Beckley (See sick call slip attach). on October 15, 2002, he went to sick call, attention was given to the plaintiff by Dr McLain D.O. clinical director FCI/FPC Beckley, Beaver West Virginia (See sick call slip attach) on October 31, 2002, he went to sick call, attention was given to the plaintiff by S. Taylor, PA-C certified physician assistant FCI/FPC Beckley (See sick call slip attach) on November 1, 2002, he went to sick call, attention was given to the plaintiff by N. Rehberg. D.O. staff physician FCI/FPC Beckley (See sick call slip attach) on November 7, 2002 the plaintiff went to sick call, attention was given to the plaintiff by A. Blankenship FCI/FPC Beckley (See sick call slip attach) on November 21, 2002 he went to sick call, attention was given to the plaintiff by J. Griffith, Contract Medical assistant FCI/FPC Beckley, Beaver, West Virginia (See sick call slip attach) on December 2, 2002, he went to sick call, attention was given to the plaintiff by S. Rose PA-C, FCI/FPC Beckley (See sick call slip attach).

10). On January 22, 2003 he went to sick call, attention was given to the plaintiff by J. Koby PA-C FCI/FPC Beckley (See sick call slip attach) on February 7, 2003 the plaintiff went to sick call, attention was given to the plaintiff by Dr. McLain D.O. Clinical director FCI/FPC Beckley, Beaver West Virginia (See sick call slip attach) on February 21, 2003, attention was given to the plaintiff by (S. Rose PA-C FCI/FPC Beckley (See sick call slip attach) on December 6, 2002, plaintiff Michael Foreman, then went to sick call, attention was given to the plaintiff by S. Rose PA-C FCI/FPC Beckley, as it is noted, on this particular oppointment PA-C S. Rose stated on the sick call slip, That Dr. McLain decided not to do an examination test on the plaintiff, after the plaintiff was complaining numerous times, that his groin was swelling, and he is going through excruciating pain, (See sick call slip attach) They all neglected the plaintiff, excruciating pain and suffering to his left groin, this, Cruel & unusual punishment of the plaintiff violated his First, Fourth, Fifth, Eight and fourteen Amendment which is a direct violation of the plaintiff constitutional rights of the United States.

11). On January 7, 2002 the operation of the Plaintiff was done by Dr. Ashok v. Bhalodi at Applachain, Regional Hospital, Beckley, West Virginia. Doctor McLain D.O, Clinical Director S. Rose, S Taylor, M. Owen, Clinical Nurse N. Rettberg, D.O Staff Physician, A. Blankenship, NP, J. Thomas, RTR, K.Kiser PA-C, J. Ziolkowski, RPH, J. Kirkland, RN/ AHSA, J. Griffith, Contract Medical Assistant, Et Al; where negligent in, beginning or around January 7, 2002 pursuant to the plaintiff's medical surgery. After having an operation done on January 7, 2002 plaintiff Michael Foreman keep going to sick call, complaining to the medical staff and Dr. McLain that his situation was getting worst. Plaintiff complained to doctor McLain that his Groin began to swell bigger and fluid began to form in his left groin, that had been operated on by Doctor Ashok Bhalodi, M.D. of 407 Carriage Drive Beckley, West Virginia, 25801. Plaintiff Michael Foreman also lodged numerous complaints, after operation was done on January 7, 2002, he told Dr. McLain, Staff Nurse, Et Al, that whenever he finish Urinating, Semen comes out of his Penis.

12). On November 1, 2004 At 11: 15PM. Plaintiff Urinating, Blood and Semen came out of his Penis after he was finish Urinating, at 11: 30 PM. The officer was doing his count, he reported to the correctional officer immediately, whose name is officer Zane of the York County Prison, and showed the tissue full of blood and semen that came from his penis after Urinating. Officer Zane stated to the plaintiff that he was willing to sign an affidavit of support that he witness the semen and blood on the tissue which came out of the plaintiff's penis. After the affidavit was drawn up by the plaintiff, officer Zane was instructed by Captain Hare of the York County Prison not to sign the affidavit which is clearly obstruction of justice. Dr. McLain D.O and the Medical staff worker failing to follow up on the plaintiff's health situation after operation, therefore rendered Cruel & unusual punishment, Medical negligence, claims of negligence and reckless indifference to the plaintiff Michael Foreman. Defendant Beckley Appalachian Regional Hospital, West Virginia corporation, which owned a subsidiary corporation known as the Health Maintenance Organization of Beckley West Virginia, Inc. Where plaintiff Michael Foreman received his medical treatment through BARH West Virginia a health maintenance organization organized by Beckley U.S. Healthcare, as provided to plaintiff through his participation in an incarceration situation, covered by the Federal Correctional Institution, Beckley, West Virginia sponsored by Warden Joyce K. Conley. Plaintiff Michael Foreman received obstetric care directly from defendant physicians through BARH West Virginia.

13). The hospital records establish, that plaintiff underwent a pulmonary function of sick call, on numerous test by Dr. McLain, D.O. Clinical Director FCI/FPC Beckley, N. Rehberg, D.O. Staff Physician, S. Taylor, PA-C certified physician assistant FCI/FPC Beckley, and that the tested results were reviewed by Dr. McLain the clinical director of the Federal Correctional Institution Beckley, West Virginia at the time. The hospital records contain no treatment plan for plaintiff and the patient Assessment form contains only the notation operation. There is no reference in the hospital record from Dr. McLain to follow-up action of any kind. I find that the staff members of the Beckley, Appalachian Regional Hospital West Virginia who had contact with plaintiff on January 7, 2002 and numerous date after operation collectively were negligent in not providing for further evaluation of the operation..

14). When plaintiff complained to Dr. McLain and the staff nurse practitioner, who hold a B.S. and a Master Degree in nursing of the B.A.R.H that the situation was getting worst, his groin began to swell bigger, and fluid began to form in his left groin, given the history of plaintiff noted in the hospital record. More specifically, I find Dr. McLain and all the staff negligent in failing to follow up on plaintiff's health situation. The Defendants were negligent in failing to exercise the degree of skill, care and diligence that would be exercised by a reasonably prudent orthopedic surgeon in Appalachian, Regional Hospital, Beckley, West Virginia during January 7, 2002, as hereinafter set forth. Dr. McLain D.O. Clinical Director FCI/FPC Beckley, and the prison medical staff was deliberately indifferent to the plaintiff health condition and negligent, when they failed to see, and evaluate the plaintiff in response to his sick call, and repeated complaints that the pain was excruciating in his left Groin.

15). Under sec. 1983 a deliberate indifference is shown. Under 28 U.S.C. sec. 2679, sec. 2680 Negligence in the neglected medical attention and delay in treatment, support an exception to the bar for damages pursuant to 28 U.S.C. sec. 1346 (b). It's true that the United States of America is the appropriate claims through the actions of Federal officials, Law enforcement officer & Warden Joyce K. Conley whom sign permission for Dr. Ashok v. Bhalodi take the plaintiff to Applachain, Regional Hospital, Beckley, West Virginia. However under the F.T.C.A. plaintiff Michael Foreman establish negligence, and cause when his treatment was neglected. The neglected cause permanent damages to his left Groin, excruciating pain, Blood and Semen came out of his Penis when he Urinating may not be able to have children. Bramwell V. U.S. Bureau of Prison 3 Cal. Daily Op. Serv. 9329, 2003, Daily Journal D.A.R. 11, 758. Federal tort claim Act. (FTCA) is a waiver of the United States Sovereign Immunity and it grants subject matter jurisdiction to Federal courts for claims that arise from certain Tortuous conducts by government employee. 28 U.S.A. sec. 1346. The United States may not be sued unless the Government has waived it's sovereign immunity Balser V. Dep't of Justice 327 F.3d 903, 907 (9th Cir. 2003) Citing Dep't of Justice of Army V. Bluefox, Inc., 525 U.S. 255, 260, 119 S.Ct. 687, 142 L.ed.2d 718 (1999).

16). The FTCA is such a waiver, and it grants subject matter jurisdiction to Federal courts for claims that arise from certain tortuous conduct by Government employee. See 28 U.S.C. sec. 1346 (b)(1), however the FTCA broad waiver of sovereign immunity is subject to thirteen specific exceptions See 28 U.S.C. sec. 2680 (a)(n). The United States court has specifically held that intentional misconduct by B.O.P officers give rises to a cause of action under sec. 2689 (hg) Carlson V. Green 446 U.S. 14, 20 100 S.Ct. 1468 64 L. Ed.2d. 15 (1980). Sec. 2679 (b)(1) of the Federal Tort claim act provides that suit against the U.S. is the exclusive remedy for damages, for injury or loss of property " Resulting from the negligent or wrongful act or omission of any employee of government while acting within the scope of his office or employment. 28 U.S.C. sec. 2679(b)(1) This provision provides individual Government officers and employees acting within the scope of their employment with immunity against common law tort claims. See Rivera V. U.S. 928 F.2d 592 (2nd Cir. 1991). Also Beattie V. U.S. 756 F.2d 91, 244 U.S. app. D.C. 70 (C.A.D.C., 1984) maintain " United States District court in District of Colombbia has jurisdiction under FTCA for wrongful Death negligence by Navy who cause plane crash in Antarctica, since it's not a foreign country. Here such department had no immunity bar against suit.

17). There is over 13 exception to the Immunity bars against suit, under section 2680(k) we find; The FTCA acts as a waiver of sovereign immunity in specified types of cases. Section 2680 of the FTCA list several exceptions to that waiver. One of those retention of sovereign immunity is involved here: Section 2690 (k), which withholds FTCA jurisdiction from " any claim arising in a foreign country" Liability under section 1983 maybe imposed on municipality for failure to properly trained & supervised it's police forces, only if this failure amounts to deliberate indifference to the rights of person with the people came into contact. Ramirez V. U.A. 998 F. Supp 425 (D.N.J. 1998), the defendant are suable. In Mitchelle V. Forsyth 472 U.S. 511, 526, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985) The court hold " Unless the plaintiff allegation state claim for violation of clearly establish law, a defendant pleading qualified immunity is entitled to dismissal before commencement of discovery." Plaintiff had a well pleaded claim of neglected medical treatment that resulted in damaged to his left Groin. His pleading being a pro-se litigant should be considered liberal, and his pleading is true, direct violation of the plaintiff constitutional rights.

18). Plaintiff Michael Foreman establish that there is enough evidence to support that he was beaten by the 49th precinct police officers that left damaged to his Groin which would indicate that the treatment was inadequate, and there to the non-moving party see Oshiver Vs. Lewin Fishbien, Sedran & Berman. 38 F.3d 1380, 1384 (3rd Cir. 1994). Here the question is whether the plaintiff can prove any set of facts consistent with his allegations that will entitle him to relief, not whether he will ultimately prevail. Hishon V. King & Spalding 467 U.S. 69, 73, 104 S.Ct. 2229, 81 L.Ed.2d 659 (1984). "The claimant must set forth sufficient information to outline the elements of his claim or to permit inferences to be drawn that these elements exist." See Federal Rule Civ. Proc. 8 (a)(2) Conley V. Gibson 355 U.S. 41, 45-46 78 S.Ct. 99 2 L. Ed.2d 80 (1957). Also Bivens V. Six Unknown Name Agents of the Federal Bureau of Narcotics 403 U.S. 388, 91 S.Ct. 199, 29 L.Ed.2d 619 (1971). Third circuits has imposed a heightened pleading standard in civil rights actions, complaints against Government officials in their personal capacity must "contain a modicum of factual specificity identifying the particular conduct of defendants that is alleged to have harmed the plaintiff"

19). Colburn V. Upper Darby Township, 838 F.2d 663, 666 (3rd Cir.) & Quoting Ross V. Meagoan 638 f.2d 646 (650) (3rd Cir. 1981). "To satisfy this standard, a plaintiff must "alleged the specific conduct violating the plaintiffs rights the time and the place of that conduct, and the identity of the responsible officials" The plaintiff must plead the personal involvement of each defendant with specificity and with sufficient facts to overcome a likely defense of Immunity, Biase V. Kaplan 852 F. Supp. 268 287 (D.N.J 1994) The Supreme court has recently held that a Bivens action may only be brought against individual Federal officials, not against a Federal Agency see Id. 510 U.S. at 484-84, However under Federal Tort Claim Act 289 U.S.C. sec. 1346(b), 2401, 2671, et seq. The FTCA waives the sovereign Immunity of the United States for certain Torts committed by Federal Employees within the scope of their employment. Specifically sec. 1346(b) grants Federal courts jurisdiction to hear claims that are Against the United States, for money damages, for injury, loss of property, personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, Under Circumstances where the United States, if a Private person would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

20). The United States is the only proper defendant in such a suit. The remedy against the United States is exclusive; a plaintiff may not bring action against the employee or Federal Agency whose acts gave rise to the injury See 28 U.S.C. sec. 2679 (b)(1) Dilg V. U.S. Postal Service, 635 F. Supp. 406, 407 (D.N.J 1985). Under the Federal Tort Claim Act, the United States is liable "in the same manner and to the same extent as a private individual" Would be under applicable state laws 28 U.S.C. sec. 2674. Plaintiff Michael Troy Foreman has establish all remedy, that Dr. Ashok v. Bhalodi, Dr. McInain D.O, Clinical Director FCI/FPC Beckley and the prison staff et al., was collectively, negligent in not providing for further evaluation of the operation.

1ST CAUSE OF ACTION

1.) The actions of the Defendant as listed in paragraphs (1) to (5) has violated plaintiff constitutional rights and rights against Racial discrimination pursuant to section 2000e when they :

- a.) Violated his Eighth Amendment right to be free from cruel and unusual punishment and medical negligence against both the prison and hospital staffs
- b.) Did not believe plaintiff was going through excruciating pain in his left Groin
- c.) Medical Malpractice, Medical Negligence claims of Negligence and reckless indifference
- d.) Violate plaintiff 4th Amendment rights against unlawful medical assistance
- e.) Violate plaintiff 8th Amendment rights according to Estelle v. Gamble, 429 U.S. 97, 106 (1976).

RELIEF

WHEREFORE plaintiff request this honorable court grant the following relief:

A.) Order a preliminary injunction ordering the defendants to release all records required to expedite this proceedings.

B.) Damages for \$60,000,000.00 Sixty Million Dollar against Doctor Ashok v. Bhalodi, of 407 Carriage Drive Beckley, West Virginia 25801, Telephone (304) 252-7180, the operation took place at Applachain, Regional Hospital, Beckley, West Virginia. equal protection violation and for discriminative selective tactic choosing to Cruel & unusual punishment an against all the defendant.

C.) Award punitive damages of One Hundred Million Dollars against the defendants \$100,000,000.00 for conspiracy to discriminate and Medical Malpractice, Medical Negligence claims of Negligence and reckless, deliberately indifferent to the plaintiff health condition, when they deprived the plaintiff of his Constitutional rights to libberty and for endangering his life by Neglect Medical assistance when he were complaining on Dr. McLain D.O. Clinical Director FCI/FPC Beckley and prison staff et al, that his Groin swelled bigger and he was going through Excruciating pain.

Respectfully Submitted,

Michael Foreman

Michael Troy Foreman

Date 11 / 26 / 2004

Respectfully submitted,

Michael Foreman

Michael Troy Foreman

Prison I.D.#:

York County Prison

3400 Concord Road

York, PA 17402-9007

Movant/Petitioner *Pro-Se*

Pursuant to 28 U.S.C. Sec 1746 by my signature above, I declare under penalty of perjury that the foregoing is true and correct. Executed and signed on November 26, 2004

____ (6)

CERTIFICATE OF SERVICE BY MAIL

STATE OF PENNSYLVANIA)

) Ss:

COUNTY OF YORK)

Michael Troy Foreman, being duly sworn, deposes and says that:

I am the Appellant/Petitioner named herein, that I am a party to this action; and I am presently incarcerated at York County Prison, located at 3400 Concord Road, York, PA 17402-9007.

On November 26/ 2004, I placed in a mailbox under the care and supervision of the authorities of the York County Prison, one original and two exact copy of this **CIVIL ACTION, PURSUANT TO FEDERAL TORT CLAIMS ACT ("FTCA ")**. by hand delivered by the United States Postal Service to the following party:

**IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT
OF WEST VIRGINIA 2400 ROBERT BLD. U.S. COURTHOUSE W.V.**

Respectfully Submitted,

Michael Foreman

Michael Troy Foreman

Prison I.D.#:

York County Prison

3400 Concord Road

York, PA 17402-9007

Appellant/Petitioner *Pro-Se*

Pursuant to 28 U.S.C. Sec 1746 by my signature above, I declare under penalty of perjury that the foregoing is true and correct. Executed and signed on November 26/2004

I am further requesting that if for any reason (s), such errors and defects cannot be waived, that I be advised of the same and that I be advised as to the correct manner form of an attorney of suitable experience and/or in the form of instructional booklets with the appropriate methods. The reason(s) for this request is due to the lack of appropriate filing forms in this facility.

Enclosed is the Certificate of Service by mail send to the office of the United State District court on this dated of the Federal Tort Claims Act (FTCA), filed by the Appellant/Petitioner on the November 26/2004 in the referenced above.

I will anticipate a prompt response to this matter. In the interim, I thank you for your time, patience, understanding and assistance in this matter.

Respectfully Submitted,

Michael Foreman

Michael Troy Foreman

Appellant/Petitioner *Pro-Se*

Pursuant to 28 U.S.C. Sec 1746 by my signature above, I declare under penalty of perjury that the foregoing is true and correct. Executed and signed on November 26/2004

EXHIBIT

A

SEE ALL COPY OF MEDICAL RECORD
ATTACHED IN ORDER

N 7540-00-634-4176

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)
12/12/01 0905	Food Service physical complete, all cleared for food service J. Griffith Contract Mod. Asst. SIFPC Beasley Beaver, WV
	LABS DONE Date: 1-3-02 Initials: <u>MS</u> Time: 1410 Signature: <u>Hellen Shreve</u> Hellen Shreve, Lab Tech
1-7-02 1342	S: Fracture returned from outside medical treat For vertebrae of right hand.
86.9 12/1/74	O: Vitals WNL, @ Inguinal hernia repair & Sterrister's Day et intact, moderate scrotal swelling, C/O pain,
163.	A: Attention in comfort P: Forte comalescent x 1wk, Scrotal support Lg given, Return to health services & any pain on bleeding & Verbalization of understanding, Tylanol #3 ^{extra strength} PO tid Pen #18 / VO De mcklein given 150 J. Griffith / Jeff Weiker R.
	CLINICAL DIRECTOR J. G. GREGORY BEAVER, WV

Federal Correctional Institution

P.O. Box 1280

Beaver, WV 25803


RECORDS MAINTAINED AT			
PATIENT'S NAME (Last, First, Middle Initial)	Foreman, Michael		SEX
RELATIONSHIP TO SPONSOR	STATUS	RANK/GRADE	
SPONSOR'S NAME	ORGANIZATION		
DEPART/SERVICE	SSN/IDENTIFICATION NO.	DATE OF BIRTH	
	39573-034		

CHRONOLOGICAL RECORD OF MEDICAL CARE


STANDARD FORM 600 (REV. 5-84)
Prescribed by GSA and ICMR
FIRM (41 CFR) 201-45.505

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)
1-10-02	Wt 200 BP 140/80 P 85 T 98.7 B-14
1001	5 - Immune to C/O, since his surgery on 1/5/02. See Note by Dr. McFadden. States there is no granules but also no lead. No C/O fluids. Exam of left lower quadrant reveals stern sternal in place, wearing metal support. No ↑ erythema or warmth or discharge to indicate infection. A - Post Surgical Pain P - ① Educated to condition anal Tx ② F/U P/R ③ Tylenol #3 ii PO BID x 3 days #12 N/R ④ OAT i Dr. McFadden K. KAISER PA-C FCI/FPC BECKLEY
	D. McLain D.O., CLINICAL DIRECTOR FCI/FPC BECKLEY GRAVER, WV Cathy Massey <i>DM</i>
10132	1110/02
2/15/02	Admin 4700 - See injury assessment
1312	J. Davis - Billy RN/T Davis - Lily RN
	D. McLain, D.O. CLINICAL DIRECTOR FCI/FPC BECKLEY <i>DM</i>

CHRONOLOGICAL RECORD OF MEDICAL CARE

Federal Correctional Institution P.O. Box 1280 Beaver, WV 25803	RECORDS MAINTAINED AT 		
	PATIENT'S NAME (Last, First, Middle Initial)		SEX
	RELATIONSHIP TO SPONSOR		RANK/GRADE
	STATUS		
	SPONSOR'S NAME		ORGANIZATION
DEPART./SERVICE	SSN/IDENTIFICATION NO.	DATE OF BIRTH	

Beaver, WV 25803

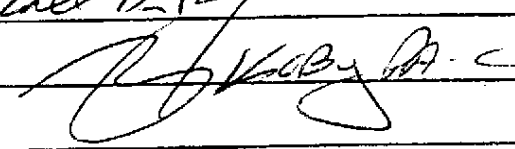
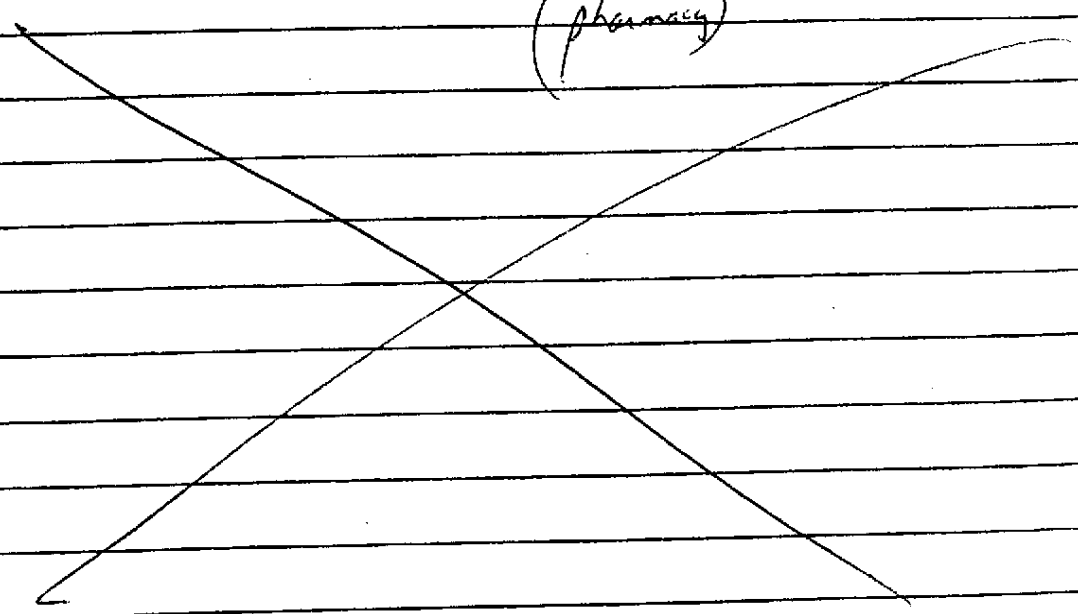
RECORDS MAINTAINED AT			
PATIENT'S NAME (Last, First, Middle Initial)			SEX
Jesse Michael			
RELATIONSHIP TO SPONSOR	STATUS	RANK/GRADE	
SPONSOR'S NAME		ORGANIZATION	
DEPT./SERVICE	SSN/IDENTIFICATION NO.	DATE OF BIRTH	
	22234567		

CHRONOLOGICAL RECORD OF MEDICAL CARE

STANDARD FORM 600 (REV. 5-84)
Prescribed by GSA and ICMR
FIRM (41 CFR) 201-45.505

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)
17/02 130	wt 204 BP 128/70 P 67 T 98.2 R-16 Called I/m name + checked out prob I/m with Health services JAB/afp J. A Blankenship, MD
17/02 1253	5) Pt 4/0 Abscess on back of neck x > 6 months tender to touch. Pus discharge
UKOR ch. P.	0) 1 1/2 cm ^{fluctuant} nodul. in posterior neck area. Tender to touch. pus discharge & hot spot. P Discharge
	A) Abscess / Post. neck vs sebaceous cyst B) Keflex 500mg PO QID x 7 Days Advise Pt on neck - b/c discomfort, it, rash. & Tx plan To be placed on Colloidal 10/8/02 1400. to be exposed. M. Clark PharmD FCI/FPC Beckley A. BLANKENSHIP NP FCI/FPC BECKLEY
9/8/02 1345	5) P in for furc. and ID of sebaceous cyst. 0) 1 1/2 cm round fluctuant nodul. post. neck. A) sebaceous cyst P) constant signal
	Area cleaned + numbed w/ 1% lidocaine i.e. linear inc. made w/ #15 blade + cyst removed & sac intact sutured w/ nylon #5 x 5 suture. Area cleaned + dressed Applied. Procedure done using sterile technique Pt tolerated procedure well. Redness at wound care + s/s of infection + more, b/c exposed, ulcers, bloody + precarious. MOTIN 800mg Take: PO Q8H i.e. food x #15. (Cont)

NSN 7540-00-634-4176

HEALTH RECORD		CHRONOLOGICAL RECORD OF MEDICAL CARE	
DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)		
11/15/02	S: 40 Jock Itch - x 1 week -		
0530	O: A+O x 3 Amb in cell - Steady gain		
SHU	A: Tinn Linn		
	P: ① Chloratral Cream - BID #1 Tube PEF		
	② Pt. Ed To: Skin Care -		
	③ Ant Prud -		
	④ FlU Via Eriks all P.P.		
	 D. MCLAIN, D.O. CLINICAL DIRECTOR FCI/FPC BECKLEY Ddm (pharmacy)		
			

Federal Correctional Institution

P.O. Box 1280

Beaver, WV 25803

RECORDS MAINTAINED AT		▶	
PATIENT'S NAME (Last, First, Middle Initial)			SEX
Foreman Michael			
RELATIONSHIP TO SPONSOR	STATUS	RANK/GRADE	
SPONSOR'S NAME		ORGANIZATION	
DEPART /SERVICE	SSN/IDENTIFICATION NO.	DATE OF BIRTH	
	39573-054		

CHRONOLOGICAL RECORD OF MEDICAL CARE

STANDARD FORM 600 (REV. 5-84)
Prescribed by GSA and ICMR
FIRM (41 CFR) 201-45.505

7540-00-634-4176

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)

10/15/62

S/P in for suture removal. Suture to be pulled out.

1566

a) B/P 140/80 H: 90 W: 160 T: 98.0 Wt 150 lbs
wound edge well approximated. P. Discharge. Dressing.

A) S/P in for suture removal.

P. Discharge. Suture 3 incident.

P. Discharge. Suture 3 incident.

P. Discharge.

J. A. Blinkenstep, M.D.

01/31/02 wt - 200 BP - 140/80 P - 90 T - 98.0 R - 116

1100 S: 40 coughing real bad, ⊕ green mucous sputum
X week. NKDA ⊕ smoking. Abc ⊕ testicle tender and large
S than R testicle. State he had surgery for a
varicocele in 1/02.Di. TM's intact. S redness or bulging, ⊕ red nasal
mucosa. ⊕ clear mucoid drainage, ⊕ pink, moist
oral mucosa. S any lesions. D emolates ⊕ gag
reflex, ⊕ palpable cervical lymph nodes,
Heart RRR. S murmur. Lungs CTAB. Wheezing. Crackles.
Genital Exam (examined by Dr. M. Chained) ⊕ mild
enlargement of ⊕ epididymis but ⊕ palpable masses.

RECORDS MAINTAINED AT		(continued) S. TAYLOR, PAC	
PATIENT'S NAME (Last, First, Middle Initial) T. C. M. / T. C. M.		CERTIFIED PHYSICIAN ASSISTANT E. C. P. / E. C. P.	
RELATIONSHIP TO SPONSOR	STATUS	RANK/GRADE	
SPONSOR'S NAME		ORGANIZATION	
DEPT / SERVICE	SSN/IDENTIFICATION NO. 37573-054	DATE OF BIRTH NOV 25, 76	

CHRONOLOGICAL RECORD OF MEDICAL CARE

STANDARD FORM 600 (REV. 5-84)
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DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)
10/31/02 1100	<p>O/C (continued) & masses & tenderness of testicles.</p> <p>Scrotal masses,</p> <p>A/C Probable Viral URI & Coughing</p> <p>② Hx of Varicocele</p> <p>P: ① Actifed 1 po BID PRN X# 10</p> <p>② Humibid 12m po BID PRN X# 14</p> <p>③ Tylenol 500mg 1 po BID PRN X# 15</p> <p>④ Pt on exams, med c ↑ H₂O</p> <p>⑤ Will continue to follow pt for now</p> <p>⑥ Rtc if symptoms worsen.</p>
	<p>M. Clark PharmD <i>✓</i> FCI/FPC Beckley</p> <p><i>S. TAYLOR, PA-C</i> CERTIFIED PHYSICIAN ASSISTANT FCI/FPC BECKLEY</p>
11-1-02 1730	<p>S: C/O intermittent sharp pain over mid-sternal area.</p> <p>O: T. 97.4 P. 78 R. 16 BP 170/86 (Re-✓ p 15 min - 152/84)</p> <p>Skin W & O - non-diaphoretic. Lungs clear. Denies dyspnea</p> <p>Pain reproducible. ECG reveals NSR. Denies cardiac</p> <p>Hx or family Hx of cardiac problems. Bo S Active x4.</p> <p>Abd soft, NT, ND. Was saw yesterday for URI & placed on med.</p> <p>A: Alternating in congest & cough 2° URI</p> <p>P: Per Nsg. Protocol: ① Continue med written on SC yesterday. Report to HS immediately if symptoms persist or worsen.</p>
	<p>N. REHBERG, D.O. STAFF PHYSICIAN FCI/FPC BECKLEY</p> <p>M. Owens Clinical Nurse FCI/FPC Beckley</p>

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each ent)
11/7/02	(cont) Flt on 5/1/02 1st
11/5/02	A. BLANKENSHIP
	FCI/FPC BECKLEY
11/30/02	Admin Note: 91m was a member of his
1055	1030 Web-call appointment — J. Griffith 01A
	J. GRIFFITH, CONTRACT MEDICAL ASSISTANT FCI/FPC BECKLEY BEAVER, WV
11/30/02	Wt 200 BP 124/78 P 61 T 97.3 H 16
1050	5: 4/0 @ Scrotal Pain x 10 months —
	H/o @ Varicocele 11/02 —
	O: VSS —
	6/10 → ⊕ Decreased Testicles x 2
	⊕ Tender ⊕ Epididymus
	Low Inflamm. Pile to Suprapubic Pile
	A: Epididymitis — Epididymis & Vas Deferens
	P: Doxyline 100 mg BID #28 count \$
	⊕
	① Pt. Refrains Medication @ Present
	time. Pt. aware of Diagnosis
	and education provided
	Regarding Endometriosis. Pt. States
	"I am not in control; I should
	not have to take Medication to
	fix this." Requests Lynage.
	② H/U Vaginal Call P —
	③ Urant Hrt —
	④ Pt.'s attitude better Relaxed +
	J. KOBY RAC FCI/FPC BECKLEY

SN 7540-00-034-4176

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)

12/20/04 Lt 0882 P 140/84 P 85 T 986 R 116
 1415 S) IMM clb L testicular pain since his varicocele was corrected in January. Has been wearing a jock support. Nothing has helped. States that his testicle on the L is larger. Denies problem connection or discharge. Also has hx of L inguinal hernia.

O) NAD A&Ox3

Comital - L Testicle tender to palpation. L testicle is larger than right. Testes are descended bilat. & Penile discharge. No masses palpated.

A) L Testicular pain

P) Reviewed chart & labs. PTED to Dr. T

Continue to wear support. PTED to avoiding tobacco products, proper hand washing, and routine exercise. PTED to meds, compliance, and side effects. F/W via sick call PM.

Metron (D)ay Tro 98" @ meals pm # 42 M2

M. Clark

PharmD

FCI/FPC Beckley

FCI/FPC BECKLEY

Federal Correctional Institution

P.O. Box 1280

Beaver, WV 25803

RECORDS MAINTAINED AT		SEX	
PATIENT'S NAME (Last, First, Middle Initial)		foreman Troy Michael	
RELATIONSHIP TO SPONSOR	STATUS	RANK/GRADE	
SPONSOR'S NAME		ORGANIZATION	
DEPART./SERVICE	SSN/IDENTIFICATION NO.	DATE OF BIRTH	
	39573054		

CHRONOLOGICAL RECORD OF MEDICAL CARE

STANDARD FORM 600 (REV. 5-84)
 Prescribed by GSA and ICMR
 FIRM (41 CFR) 201-45.505

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)
12/6/02 1045	Admin Note: Wm was a no-show for his 1030 Sick call appointment - <i>Griffith MA</i> J. GRIFFITH, CONTRACT MEDICAL ASSISTANT FCI/FPC BECKLEY BEAVER, WV
12-04-02	Admin Note - Utilization Review decided not to do ultrasound Dr McLean suggest to follow at this particular time <i>S. Rose</i> S. ROSE PA-C FCI/FPC BECKLEY
12/10/02 1250	Wt BP 147/83P 77 T 98° R-16 S. Clo Cough & green phlegm x 4 Days - (F Nasal Congestion) O: VSS - Heart - TMs - wvl - Pectoral/Pharynx - (wvl then expanded) Nasal - (F) Inflammation (F) Wn Dng Heart - S.S, PRR 145/54 A: URI - P: ① Acetaminophen BID #16 PRN - ② Tylenol 500 mg #20 PRN ③ Ipratropium Inhalation ④ Ventolin ⑤ Clonidine 1mg bid PRN
M. Clark PharmD FCI/FPC Beckley	<i>J. Kozzy</i> PA-C FCI/FPC BECKLEY

NSN 7540-00-634-4176

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)

12 Dec¹² Admin note Issued 1 pair soft shoes size —
 13:00 H.W. R. Law R.N. — K. LAW, R.N.

1-1003 Lot 210 BP 144/92 P 70 T 98.4 R-
 1048 S: Pt here for c/o swelling and pain in groin
 states he had a varicocelectomy on 1/7/02 and is
 still painful. Wants a sonogram. Denies any
 trouble urinating & discharge. Denies bleeding
 & urination. NKDA. ^{REPORT} NKDA

(Exam
 Done by
 B. J. H.
 Dr. McHain
 and Dr. R. H. B.)
 O: Genital Exam & mild thickening of D. epididymus
 No testicular masses, & mild tenderness of
 the epididymus & palpation. & redness & swelling
 of scrotal area & penile discharge.

A/D D. Epididymitis

P: D Doxycycline 100mg po BID x 14 Days
 ON PILL LINE ONLY.

② Pt on med on pill line and compliance
 and exam and tx Plan.

③ Rtc if symptoms D worsen

D. McHAIN, D.O., CLINICAL DIRECTOR

401 FPC BECKLEY
 BEAVER, WV

CERTIFIED PHYSICIAN ASSISTANT

EDWARD BECKLEY

RECORDS
 MAINTAINED
 AT

PATIENT'S NAME (Last, First, Middle Initial)

Foleman Michael

SEX

RELATIONSHIP TO SPONSOR

STATUS

RANK/GRADE

SPONSOR'S NAME

ORGANIZATION

DEPART./SERVICE

SSN/IDENTIFICATION NO.

DATE OF BIRTH

35-73-054

Federal Correctional Institution

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CHRONOLOGICAL RECORD OF MEDICAL CARE

STANDARD FORM 600 (REV. 5-84)

Prescribed by GSA and ICMR

FIRM (41 CFR) 201-45.505

NSN 7540-10-634-4176

HEALTH RECORD		CHRONOLOGICAL RECORD OF MEDICAL CARE	
DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)		
12203	T074 Wt 208 BP 157/89 - P 74 R 110		
1245	S: 4/6 (L) Testicular Pain x 7 years -		
	H/o (L) Varicocele 11/02 - Pain continues -		
	Finished Doxycycline 12/02 -		
	Epimide Discharge -		
	O: VSS -		
	C/U - (+) Descended Testicles x 2		
	(+/-) Tender & Swollen (L) (mild)		
	epididymitis + (L) Testicle		
	(L) Masses & Hernias -		
	(+) Cord Structure Intact -		
	A: Epididymitis / Orchitis -		
	P: (1) Doxycycline 100mg i po BID #28 PRF.		
	(2) IBU 600mg 7 po TID #21 ÷ PRF -		
	(3) Fluvastatin 40mg qd 2 weeks		
	(4) PC-Ed Po: ATB Therapy		
	(5) Urant PRF		
	(6) Discharge		
	J. KOBY PAC FCI/FPC BECKLEY		

Federal Correctional Institution

P.O. Box 1280

Beaver, WV 25803

RECORDS MAINTAINED AT		SEX	
PATIENT'S NAME (Last, First, Middle Initial)		RANK/GRADE	
RELATIONSHIP TO SPONSOR	STATUS	ORGANIZATION	
SPONSOR'S NAME		DATE OF BIRTH	
DEPART./SERVICE	SSN/IDENTIFICATION NO.		

CHRONOLOGICAL RECORD OF MEDICAL CARE

 STANDARD FORM 600 (REV. 5-84)
 Prescribed by GSA and ICMR
 FIRM (41 CFR) 201-45.505

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)
2/7/03 0955	<p>WT-210 T-979 P-911 A-16 BP-154/94</p> <p>S. F. 1/27/03 — 4.0 Testosterone Pain 7 legs</p> <p>7/1 Worsening > x 1 week —</p> <p>4/6 Vascularly 1/1/02 (Pain over time)</p> <p>Currently Taking Doxycycline — Helped @ first</p> <p>Now Pain worse — @ Dyma @ Pains</p> <p>O: VSS —</p> <p>GU — Testosterone Demand Intact</p> <p>(+) Testosterone = Poly (+) Testosterone</p> <p>(+) Testosterone @ symptoms</p> <p>(+) Had into (DABO) —</p> <p>(+) Discharge — @ wants</p> <p>A: Epididymitis/Oreolitis (+)</p> <p>P: (+) Cipro 500mg Po BID #28 PRN</p> <p>(2) P. Ed. P. Meds + Tm in</p> <p>Remaining Doxycycline — 1/1/02</p> <p>(3) Ur + Rnd</p> <p>(4) GU V in Sinal call 2 weeks</p> <p>(5) Discussed symptoms of Tm Meds</p>
	<p>J. KOBAYASHI PAC</p> <p>J. McLain D.O., CLINICAL DIRECTOR FCI / FPC BECKLEY BEAVER WV</p> <p>EC/FPS BECKLEY</p>
	<p>PHARMACY MEDICATION COUNSELING</p> <p>BRIEF INTERMEDIATE EXTENSIVE</p> <p>UNDERSTANDING REFERRAL PERIOD</p> <p>PRINTED INFORMATION GIVEN Y/N</p> <p>COMMENTS:</p>

NSN 7540-00-634-4176

HEALTH RECORD

CHRONOLOGICAL RECORD OF MEDICAL CARE

DATE	SYMPTOMS, DIAGNOSIS, TREATMENT, TREATING ORGANIZATION (sign each entry)
2-21-03	W 208 BP 113/91 P85 R16
10455	IMM @10 ongoing testicular pain for >1yr H/O varicocele. Has taken multiple antibiotics 5 any relief. IMM states nothing has been done for him ON scale of 1-10 rates pain as 3
U)	NAD H: O x 3 Speech clear.
	Genital- Testicles descended bilat & obvious swellings or deformities No masses & hernias h testicular swelling mild
A)	h Testicular Chronic Pain
P)	Reviewed chart, labs, and dx studies PT seen by Dr McLain. IMM very argumentative in office states he is not being tx'd properly Dr McLain states he has been tx'd properly c antibiotics and ultrasound. He also explained that we would discuss his case through utilization review. PT ED to Dr i T7 F1w via sick call pm. PT ED to meds, compliance and side effects
*	Ibuprofen 800mg i po q 8 c meals pm #42 NR Jany P. [Signature]

44-0100
44-0100
44-0100

S. ROSE
PAC

FCI/FPC BECKLEY

Pls info given
Federal Correctional Institution

P.O. Box 1280

Beaver, WV 25803

RECORDS MAINTAINED AT			
PATIENT'S NAME (Last, First, Middle Initial)		SEX	
Foreman, Michael			
RELATIONSHIP TO SPONSOR	STATUS	RANK/GRADE	
SPONSOR'S NAME		ORGANIZATION	
DEPART/SERVICE	SSN/IDENTIFICATION NO.	DATE OF BIRTH	
	34573-054		

CHRONOLOGICAL RECORD OF MEDICAL CARE

STANDARD FORM 600 (REV. 5-84)
Prescribed by GSA and ICMR
FIRM (41 CFR) 201-45.505

Prison Health Services

PROGRESS NOTES

Date / Time	Resident's Name	ID#	D.O.B
	Ponemay, Michael	80492	1 / 1
JUL 08 2004	<p>AM Call 3300</p> <p>1155 1155 C/O Enlargement of (2) testes painful/tender over past 2 wks. P.H. of urological surgery for varicocele 2 yrs ago.</p> <p>(2) testes - evident enlargement noted tender over (2) testes</p> <p>(R) - NL S/S</p> <p>A/D R/O recurrent varicocele & Epididymitis</p> <p>1) Refer to Enders - Deep vein 6/20/04 2) Naprosyn 500mg \times 14 b 6-0 6802.</p> <p>3) U/S (2) testes</p> <p>4) Urology referral</p> <p>5) Sonogram (2) testes (Compare & prev. study)</p> <p>UTI MGR/REVIEW FORMS Completed/Submitted</p> <p>CHARLES W. NORRIS, M.D.</p>		
JUL 08 2004	<p>Addendum P.D. R/C</p> <p>AM Call 102-3045</p> <p>CHARLES W. NORRIS, M.D.</p>		